

## REMARKS

Applicants appreciate the thorough examination of the present application as evidenced by the Office Action mailed October 11, 2007 (hereinafter "Office Action").

Applicants especially appreciate the indication that Claims 5, 6, 11, 12, 17, and 18 recite patentable subject matter. In response, Applicants have amended independent Claims 1, 7, and 13 to clarify that the regulatory constraint is enforceable by a governmental body.

Applicants respectfully submit that the cited references fail to disclose or suggest, at least, all of the recitations of independent Claims 1, 7, and 13. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

### **Claim Objections**

Claims 5, 11, and 17 stand objected to because references to "the customer" are alleged to lack antecedent basis. (Office Action, page 2). Applicants submit that Claims 5, 11, and 17 each refer to "a customer" in line two thereof.

### **Independent Claims 1, 7, and 13 are Patentable**

Independent Claims 1, 7, and 13 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 7,161,946 to Jha (hereinafter "Jha"). Independent Claim 1 is directed to a method of operating a communications network and recites, in part:

providing a plurality of redundant links between a first network node and a second network node;

associating a first identifier with a first one of the plurality of redundant links and a second identifier with a second one of the plurality of redundant links, the first and second identifiers being associated with a **regulatory constraint enforceable by a governmental body**; and

routing traffic that is marked with the first identifier to the first one of the plurality of redundant links and traffic that is marked with the second identifier to the second one of the plurality of redundant links so that operation of the communications network is in compliance with the regulatory constraint. (Emphasis added).

Independent Claims 7 and 13 include similar recitations. According to the independent claims, the regulatory constraint that is associated with the first and second identifiers is enforceable by a governmental body. This is illustrated, for example, in the embodiments

described in paragraphs 20 and 26 - 28. In these embodiments, the regulatory constraint is that traffic that spans multiple LATAs must be carried by an IEC. The Enforcement Bureau of the Federal Communications Commission may enforce this regulatory constraint under the provisions of the Federal Telecommunications Act of 1996.

The Office Action cites the fields that are added to a packet to implement the MPLS protocol as disclosing the identifiers that are associated with a regulatory constraint and routing the traffic between the redundant links so that the communications network is in compliance with the regulatory constraint. (Office Action, page 3, citing col. 3, lines 47 - 52 of Jha). Applicants respectfully submit that the MPLS protocol defined by the Internet Engineering Task Force (IETF) is not a regulatory constraint. Nevertheless, to remove any possible ambiguity, Applicants have amended Claim 1 to clarify that the regulatory constraint is enforceable by a governmental body. Clearly, the IETF is not a governmental body with authority to enforce regulations. As described in RFC 3935, the role of the IETF is as follows:

The mission of the IETF is to produce high quality, relevant technical and engineering documents that influence the way people design, use, and manage the Internet in such a way as to make the Internet work better. These documents include protocol standards, best current practices, and informational documents of various kinds.

Thus, the MPLS protocol is merely a standard to improve the way the Internet works. It does not constitute a set of laws or regulations that may be enforced. A designer may deviate from the MPLS protocol without violating any type of regulation or law.

For at least the foregoing reasons, Applicants respectfully submits that independent Claims 1, 7, and 13 are patentable over the cited reference, and that dependent Claims 2 – 6, 8 - 12, and 14 -18 are patentable at least by virtue of their depending from an allowable claim.

**Dependent Claims 5, 6, 11, 12, 17, and 18are Separately Patentable**

Dependent Claims 5, 6, 11, 12, 17, and 18 include all the recitations of independent Claims 1, 7, or 13 and are, therefore, patentable for at least the reasons described above. The Office Action indicates on page 5 that Claims 5, 6, 11, 12, 17, and 18 recite patentable

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subject matter. Accordingly, Applicants submit that dependent Claims 5, 6, 11, 12, 17, and 18 are separately patentable for at least these additional reasons.

### CONCLUSION

In light of the above amendments and remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



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### CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on January 10, 2008.

Signature: Joyce Paoli  
Joyce Paoli